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PATENT  
ATTORNEY DOCKET NO.: 044574-5098

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Dario C. ALTIERI et al.** )  
Application No.: **10/042,302** ) Group Art Unit: **1642**  
Filed: **January 11, 2002** ) Examiner: **Alana M. Harris**  
For: **Detection of Survivin in the Biological** )  
**Fluids of Cancer Patients** )

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. 1.97(e)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(e), Applicants petition the Examiner to consider this Information Disclosure Statement and the document listed on the attached Form PTO-1449. To the best of the undersigned's knowledge, each item of information contained in the information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the statement. Accordingly, Applicants do not believe a fee is due for filing this Information Disclosure Statement.

An International Search Report dated January 27, 2005 citing this document and setting forth the relevance thereof is also enclosed for the Examiner's consideration. Applicants respectfully request that the Examiner initial and return the Form PTO-1449, indicating that the information has been considered and made of record herein.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or

constitute "prior art." If it should be determined that the listed documents constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

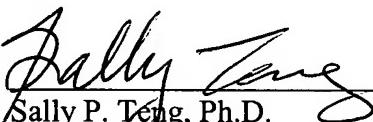
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

Dated: **April 20, 2005**  
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